

Senator Ann Millner proposes the following substitute bill:

HIGHER EDUCATION GOVERNANCE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Karen M. Peterson

LONG TITLE

General Description:

This bill amends provisions regarding governance of the state's system of higher education.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ removes an exception for public employment of a relative under certain circumstances;
- ▶ amends the membership and duties of the Utah Board of Higher Education (board);
- ▶ amends the appointment process of members of the board;
- ▶ requires the University of Utah to provide administrative support to the board;
- ▶ amends the duties of the commissioner of higher education;
- ▶ repeals requirements regarding the establishment of certain committees;
- ▶ amends provisions regarding the employment, support, and evaluation of institution of higher education presidents;
- ▶ amends provisions regarding the approval of programs;
- ▶ requires the board to engage in certain program and discipline reviews;
- ▶ amends provisions regarding the set aside and reallocation of new performance



26 funding;

- 27 ▶ removes members of the board from the Higher Education and Corrections Council;
- 28 ▶ expands the allowed term of a land lease;
- 29 ▶ repeals obsolete provisions regarding past requirements; and
- 30 ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides a special effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **52-3-1**, as last amended by Laws of Utah 2018, Chapter 118

38 **53B-1-101.5**, as last amended by Laws of Utah 2020, Chapter 365

39 **53B-1-401**, as last amended by Laws of Utah 2022, Chapters 166, 177

40 **53B-1-402**, as last amended by Laws of Utah 2022, Chapters 166, 177

41 **53B-1-403**, as enacted by Laws of Utah 2020, Chapter 365

42 **53B-1-404**, as last amended by Laws of Utah 2022, Chapter 362

43 **53B-1-408**, as last amended by Laws of Utah 2021, Chapter 187

44 **53B-1-501**, as enacted by Laws of Utah 2020, Chapter 365 and last amended by

45 Coordination Clause, Laws of Utah 2020, Chapter 365

46 **53B-2-102**, as last amended by Laws of Utah 2021, Chapter 187

47 **53B-2a-101**, as last amended by Laws of Utah 2020, Chapters 152, 365

48 **53B-2a-112**, as last amended by Laws of Utah 2022, Chapter 421

49 **53B-7-705**, as last amended by Laws of Utah 2021, Chapter 351

50 **53B-7-706**, as last amended by Laws of Utah 2021, Chapter 351

51 **53B-13a-102**, as last amended by Laws of Utah 2022, Chapter 370

52 **53B-13b-102**, as last amended by Laws of Utah 2017, Chapter 143

53 **53B-13c-101**, as enacted by Laws of Utah 2021, Chapter 271

54 **53B-16-101**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 1

55 **53B-16-102**, as last amended by Laws of Utah 2020, Chapter 365

56 **53B-16-105**, as last amended by Laws of Utah 2020, Chapter 365

57 **53B-20-101**, as enacted by Laws of Utah 1987, Chapter 167

58 **53B-21-108**, as enacted by Laws of Utah 1987, Chapter 167

59 **53B-35-201**, as enacted by Laws of Utah 2022, Chapter 147

60 **67-1-12**, as last amended by Laws of Utah 2017, Chapter 382

61 REPEALS:

62 **53B-1-406**, as enacted by Laws of Utah 2020, Chapter 365

63 **53B-1-502**, as enacted by Laws of Utah 2020, Chapter 365

64 **53B-6-106**, as last amended by Laws of Utah 2020, Chapter 365



66 *Be it enacted by the Legislature of the state of Utah:*

67 Section 1. Section **52-3-1** is amended to read:

68 **52-3-1. Employment of relatives and household members prohibited --**

69 **Exceptions.**

70 (1) As used in this chapter:

71 (a) "Appointee" means an employee whose salary, wages, pay, or compensation is paid
72 from public funds.

73 (b) "Chief administrative officer" means the person who has ultimate responsibility for
74 the operation of the department or agency of the state or a political subdivision.

75 (c) "Household member" means a person who resides in the same residence as the
76 public officer.

77 (d) "Public officer" means a person who holds a position that is compensated by public
78 funds.

79 (e) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother,
80 grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin,
81 mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

82 (2) (a) A public officer may not employ, appoint, or vote for or recommend the
83 appointment of an appointee when the appointee will be directly supervised by a relative or
84 household member, unless:

85 (i) the appointee is eligible or qualified to be employed by a department or agency of
86 the state or a political subdivision of the state as a result of the appointee's compliance with
87 civil service or merit system laws or regulations;

88 (ii) the appointee will be compensated from funds designated for vocational training;

89 (iii) the appointee will be employed for a period of 12 weeks or less;

90 (iv) the appointee is a volunteer as defined by the employing entity; or

91 (v) the chief administrative officer determines that the appointee is the only or best

92 person available, qualified, or eligible for the position.

93 (b) A public officer may not directly supervise an appointee who is a relative or

94 household member of the public officer, unless:

95 (i) the appointee was appointed or employed before the public officer assumed the

96 public officer's supervisory position, if the appointee's appointment did not violate the

97 provisions of this chapter in effect at the time of the appointee's appointment;

98 (ii) the appointee is eligible or qualified to be employed by a department or agency of

99 the state or a political subdivision of the state as a result of the appointee's compliance with

100 civil service or merit system laws or regulations;

101 (iii) the appointee will be compensated from funds designated for vocational training;

102 (iv) the appointee will be employed for a period of 12 weeks or less;

103 (v) the appointee is a volunteer as defined by the employing entity;

104 (vi) the appointee is the only person available, qualified, or eligible for the position; or

105 (vii) the chief administrative officer determines that the public officer is the only

106 individual available or best qualified to perform supervisory functions for the appointee.

107 (c) When a public officer supervises a relative or household member under Subsection

108 (2)(b):

109 (i) the public officer shall immediately submit a complete written disclosure of the

110 public officer's relationship with the relative or household member:

111 (A) for a public officer subject to the requirements of Title 67, Chapter 16, Utah Public

112 Officers' and Employees' Ethics Act, in the same manner the public officer is required to make

113 a disclosure under Section [67-16-7](#);

114 (B) for a public officer subject to the requirements of Title 17, Chapter 16a, County

115 Officers and Employees Disclosure Act, in the same manner the public officer is required to

116 make a disclosure under Section [17-16a-6](#); and

117 (C) for a public officer subject to the requirements of Title 10, Chapter 3, Part 13,

118 Municipal Officers' and Employees' Ethics Act, in the same manner the public officer is

119 required to make a disclosure under Section 10-3-1306; and

120 (ii) the public officer may not evaluate the job performance of or recommend salary
121 increases for the relative or household member.

122 (d) A disclosure submitted under this Subsection (2) is public, and the person or entity
123 with which the public officer files the disclosure shall make the disclosure available for public
124 inspection.

125 (3) An appointee may not accept or retain employment if accepting or retaining
126 employment will place the appointee under the direct supervision of a relative or household
127 member unless:

128 (a) the relative or household member was appointed or employed before the appointee
129 assumed the appointee's position, if the appointment of the relative or household member did
130 not violate the provisions of this chapter in effect at the time of the appointment;

131 (b) the appointee was or is eligible or qualified to be employed by a department or
132 agency of the state or a political subdivision of the state as a result of the appointee's
133 compliance with civil service or merit system laws or regulations;

134 (c) the appointee is the only person available, qualified, or eligible for the position;

135 [~~(d) the appointee is compensated from funds designated for vocational training;~~]

136 [~~(e)~~] (d) the appointee is employed for a period of 12 weeks or less;

137 [~~(f)~~] (e) the appointee is a volunteer as defined by the employing entity; or

138 [~~(g)~~] (f) the chief administrative officer determines that the appointee's relative or
139 household member is the only individual available or qualified to supervise the appointee.

140 Section 2. Section 53B-1-101.5 is amended to read:

141 **53B-1-101.5. Definitions.**

142 As used in this title:

143 (1) (a) "Academic education" means an educational program that is offered by a
144 degree-granting institution.

145 (b) "Academic education" does not include technical education.

146 (2) "Board" means the Utah Board of Higher Education described in Section
147 53B-1-402.

148 (3) "Career and technical education" means an educational program that:

149 (a) is designed to meet industry needs;

150 (b) leads to:
151 (i) a certificate; or
152 (ii) a degree; and
153 (c) may qualify for funding under the Carl D. Perkins Career and Technical Education
154 Improvement Act of 2006, 20 U.S.C. 2301 et seq.

155 (4) "Commissioner" means the commissioner of higher education appointed in
156 accordance with Section 53B-1-408.

157 (5) "Degree-granting institution of higher education" or "degree-granting institution"
158 means an institution of higher education described in Subsection 53B-1-102(1)(a).

159 (6) "Institution board of trustees" means:

160 (a) an institution of higher education board of trustees described in Section 53B-2-103;

161 or

162 (b) a technical college board of trustees described in Section 53B-2a-108.

163 (7) "Technical college" means an institution of higher education described in
164 Subsection 53B-1-102(1)(b).

165 (8) (a) "Technical education" means career and technical education that:

166 (i) leads to ~~[an institutional]~~ a certificate; or

167 (ii) is short-term training.

168 (b) "Technical education" does not include general education.

169 Section 3. Section 53B-1-401 is amended to read:

170 **53B-1-401. Definitions.**

171 As used in this part:

172 (1) "Board" means the Utah Board of Higher Education described in Section
173 53B-1-402.

174 (2) "Institution of higher education" or "institution" means an institution of higher
175 education described in Section 53B-1-102.

176 (3) "Miscarriage" means the spontaneous or accidental loss of a fetus, regardless of
177 gestational age or the duration of the pregnancy.

178 ~~[(4) "Nominating committee" means the committee described in Section 53B-1-406.]~~

179 Section 4. Section 53B-1-402 is amended to read:

180 **53B-1-402. Establishment of board -- Powers, duties, and authority -- Reports.**

181 (1) (a) There is established [~~a State Board of Regents~~] the Utah Board of Higher
182 Education, which:
183 [~~(a) beginning July 1, 2020, is renamed the Utah Board of Higher Education;~~]
184 [~~(b)~~] (i) is the governing board for the institutions of higher education;
185 [~~(c)~~] (ii) controls, [~~manages, and supervises~~] oversees, and regulates the Utah system of
186 higher education in a manner consistent with the purpose of this title and the specific powers
187 and responsibilities granted to the board; and
188 [~~(d) is a body politic and corporate with perpetual succession and with all rights,~~
189 ~~immunities, and franchises necessary to function as a body politic and corporate.;~~]
190 (b) (i) The University of Utah shall provide administrative support for the board.
191 (ii) Notwithstanding Subsection (1)(b)(i), the board shall maintain the board's
192 independence, including in relation to the powers and responsibilities granted to the board.
193 (2) The board shall:
194 (a) establish and promote a state-level vision and goals for higher education that
195 emphasize data-driven retrospective and prospective system priorities, including:
196 (i) quality;
197 (ii) affordability;
198 (iii) access and equity;
199 (iv) completion;
200 (v) workforce alignment and preparation for high-quality jobs; and
201 (vi) economic growth;
202 (b) establish system policies and practices that advance the vision and goals;
203 (c) establish metrics to demonstrate and monitor:
204 (i) performance related to the goals; and
205 (ii) performance on measures of operational efficiency;
206 (d) collect and analyze data including economic data, demographic data, and data
207 related to the metrics;
208 (e) [~~coordinate~~] govern data quality and collection across institutions;
209 (f) establish, approve, and oversee each institution's mission and role in accordance
210 with Section [53B-16-101](#);
211 (g) assess an institution's performance in accomplishing the institution's mission and

212 role;

213 (h) participate in the establishment and review of programs of instruction in accordance
214 with Section [53B-16-102](#);

215 (i) perform the following duties related to an institution of higher education president,
216 including:

217 (i) appointing an institution of higher education president in accordance with Section
218 [53B-2-102](#);

219 (ii) through the commissioner and the board's executive committee:

220 (A) providing support and guidance to an institution of higher education president; and

221 ~~[(iii)]~~ (B) evaluating an institution of higher education president based on institution
222 performance and progress toward systemwide priorities; ~~[and]~~

223 ~~[(iv)]~~ (iii) setting the [compensation] terms of employment for an institution of higher
224 education president, including performance-based compensation, through an employment
225 contract or another method of establishing employment; and

226 (iv) establishing, through a public process, a statewide succession plan to develop
227 potential institution presidents from within the system;

228 (j) create and implement a strategic finance plan for higher education, including by:

229 (i) establishing comprehensive budget and finance priorities for academic education
230 and technical education;

231 (ii) allocating statewide resources to institutions;

232 (iii) setting tuition for each institution;

233 (iv) administering state financial aid programs;

234 (v) administering performance funding in accordance with Chapter 7, Part 7,

235 Performance Funding; and

236 (vi) developing a strategic capital facility plan and prioritization process in accordance
237 with Chapter 22, Part 2, Capital Developments, and Sections [53B-2a-117](#) and [53B-2a-118](#);

238 (k) create and annually report to the Higher Education Appropriations Subcommittee
239 on a seamless articulated education system for Utah students that responds to changing
240 demographics and workforce, including by:

241 (i) providing for statewide prior learning assessment, in accordance with Section
242 [53B-16-110](#);

- 243 (ii) establishing and maintaining clear pathways for articulation and transfer, in
244 accordance with Section [53B-16-105](#);
- 245 (iii) establishing degree program requirement guidelines, including credit hour limits;
246 (iv) aligning general education requirements across degree-granting institutions;
247 (v) coordinating and incentivizing collaboration and partnerships between institutions
248 in delivering programs;
- 249 (vi) coordinating distance delivery of programs; [~~and~~]
250 (vii) coordinating work-based learning; and
251 (viii) emphasizing the system priorities and metrics described in Subsections (2)(a) and
252 (c);
- 253 (l) coordinate with the public education system:
254 (i) regarding public education programs that provide postsecondary credit or
255 certificates; and
256 (ii) to ensure that an institution of higher education providing technical education
257 serves secondary students in the public education system;
- 258 (m) delegate to an institution board of trustees certain duties related to institution
259 governance including:
260 (i) guidance and support for the institution president;
261 (ii) effective administration;
262 (iii) the institution's responsibility for contributing to progress toward achieving
263 systemwide goals; and
264 (iv) other responsibilities determined by the board;
- 265 (n) delegate to an institution of higher education president management of the
266 institution of higher education;
267 (o) consult with an institution of higher education board of trustees or institution of
268 higher education president before acting on matters pertaining to the institution of higher
269 education;
- 270 (p) maximize efficiency throughout the Utah system of higher education by identifying
271 and establishing shared administrative services[;], beginning with:
272 (i) commercialization;
273 (ii) services for compliance with Title IX of the Education Amendments of 1972, 20

274 U.S.C. Sec. 1681 et seq.;

275 (iii) information technology services; and

276 (iv) human resources, payroll, and benefits administration;

277 (q) develop strategies for providing higher education, including career and technical
278 education, in rural areas;

279 (r) manage and facilitate a process for initiating, prioritizing, and implementing
280 education reform initiatives, beginning with common applications and direct admissions;

280a ~~H→ [and] ←H~~

281 (s) provide ongoing quality review of [~~institutions~~] programs ~~H→ [-] ; and~~

281a **(t) before each annual legislative general session, provide to the Higher Education**

281b **Appropriations Subcommittee a prioritization of all projects and proposals for which the**

281c **board or an institution of higher education seeks an appropriation.** ~~←H~~

282 (3) The board shall submit an annual report of the board's activities and performance
283 against the board's goals and metrics to:

284 (a) the Education Interim Committee;

285 (b) the Higher Education Appropriations Subcommittee;

286 (c) the governor; and

287 (d) each institution of higher education.

288 (4) The board shall prepare and submit an annual report detailing the board's progress
289 and recommendations on workforce related issues, including career and technical education, to
290 the governor and to the Legislature's Education Interim Committee by October 31 of each year,
291 including information detailing:

292 (a) how institutions of higher education are meeting the career and technical education
293 needs of secondary students [~~are being met by institutions of higher education~~];

294 (b) how the [~~emphasis on~~] system emphasized high demand, high wage, and high skill
295 jobs in business and industry [~~is being provided~~];

296 (c) performance outcomes, including:

297 (i) entered employment;

298 (ii) job retention; and

299 (iii) earnings;

300 (d) an analysis of workforce needs and efforts to meet workforce needs; and

301 (e) student tuition and fees.

302 (5) The board may modify the name of an institution of higher education to reflect the
303 role and general course of study of the institution.

304 (6) The board may not take action relating to merging a technical college with another

305 institution of higher education without legislative approval.

306 (7) This section does not affect the power and authority vested in the State Board of
307 Education to apply for, accept, and manage federal appropriations for the establishment and
308 maintenance of career and technical education.

309 (8) The board shall ensure that any training or certification that an employee of the
310 higher education system is required to complete under this title or by board rule complies with
311 Title 63G, Chapter 22, State Training and Certification Requirements.

312 (9) The board shall adopt a policy requiring institutions to provide at least three work
313 days of paid bereavement leave for an employee:

314 (a) following the end of the employee's pregnancy by way of miscarriage or stillbirth;
315 or

316 (b) following the end of another individual's pregnancy by way of a miscarriage or
317 stillbirth, if:

318 (i) the employee is the individual's spouse or partner;

319 (ii) (A) the employee is the individual's former spouse or partner; and

320 (B) the employee would have been a biological parent of a child born as a result of the
321 pregnancy;

322 (iii) the employee provides documentation to show that the individual intended for the
323 employee to be an adoptive parent, as that term is defined in Section 78B-6-103, of a child born
324 as a result of the pregnancy; or

325 (iv) under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part
326 8, Gestational Agreement, the employee would have been a parent of a child born as a result of
327 the pregnancy.

328 Section 5. Section 53B-1-403 is amended to read:

329 **53B-1-403. Committees.**

330 [~~(1) The board shall form:~~]

331 [~~(a) a committee to focus on technical education; and~~]

332 [~~(b) a committee to focus on academic education.~~(2)] The board may form

333 committees [~~in addition to the committees described in Subsection (1)~~] to support the board in
334 fulfilling the board's duties.

335 Section 6. Section 53B-1-404 is amended to read:

336 **53B-1-404. Membership of the board -- Student appointee -- Terms -- Oath --**
337 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation --**
338 **Training.**

339 (1) The board consists of ~~[18]~~ 10 residents of the state ~~[appointed by]~~ whom the
340 governor appoints with the advice and consent of the Senate, in accordance with Title 63G,
341 Chapter 24, Part 2, Vacancies, ~~[as follows:]~~ and this section.

342 ~~[(a) subject to Subsections (2)(a), (3), and (6)(b)(ii), 16 members appointed from~~
343 ~~among candidates presented to the governor by a nominating committee; and]~~

344 ~~[(b) two student members appointed as described in Subsection (4).]~~

345 (2) (a) For an appointment ~~[of a member]~~ effective July 1, ~~[2020]~~ 2023, the governor
346 shall appoint the member in accordance with Section 53B-1-501.

347 (b) ~~[Unless appointed by the governor]~~ Except for an individual whom the governor
348 appoints as described in Section 53B-1-501, the term of each ~~[individual who is a]~~ member of
349 the ~~[State Board of Regents on May 12, 2020, expires on June 30, 2020]~~ Utah Board of Higher
350 Education expires on July 1, 2023.

351 ~~[(3) If the governor is not satisfied with a sufficient number of the candidates presented~~
352 ~~by the nominating committee to make the required number of appointments, the governor may~~
353 ~~request that the committee nominate additional candidates.]~~

354 ~~[(4)(a) For the appointments described in Subsection (1)(b), the governor shall~~
355 ~~appoint:]~~

356 ~~[(i) one individual who is enrolled in a certificate program at a technical college at the~~
357 ~~time of the appointment; and]~~

358 ~~[(ii) one individual who:]~~

359 ~~[(A) is a fully matriculated student enrolled in a degree-granting institution; and]~~

360 ~~[(B) is not serving as a student body president at the time of the nomination.]~~

361 ~~[(b) The governor shall select:]~~

362 ~~[(i) an appointee described in Subsection (4)(a)(i) from among three nominees,~~
363 ~~presented to the governor by a committee consisting of eight students, one from each technical~~
364 ~~college, each of whom is recognized by the student's technical college; and]~~

365 ~~[(ii) an appointee described in Subsection (4)(a)(ii) from among three nominees~~
366 ~~presented to the governor by the student body presidents of degree-granting institutions.]~~

367 ~~[(c) An appointee described in Subsection (4)(a) is not subject to the public comment~~
 368 ~~process described in Section 63G-24-204.]~~

369 ~~[(5)]~~ (3) (a) ~~[A]~~ The governor shall make all appointments to the board ~~[shall be~~
 370 ~~made]~~ on a nonpartisan basis.

371 (b) An individual may not serve simultaneously on the board and an institution board
 372 of trustees.

373 (c) The governor shall appoint at least one student member to the board.

374 (d) Notwithstanding Subsection (1), the governor's appointment of a student member
 375 described in Subsection (3)(c) is not subject to the advice and consent of the Senate.

375a **Ŝ→ (e) The governor shall ensure that the membership of the board includes Ĥ→ :**

375a1 **(i) ←Ĥ members with**

375b **various experience, including in degree-granting institution governance, technical college**

375c **governance, and representation from various industry sectors Ĥ→ ; and**

375c1 **(ii) at least one member who resides in:**

375c2 **(A) a county of the third through sixth class; or**

375c3 **(B) a county of the second class with a national park and two or more state parks ←Ĥ . ←Ŝ**

376 ~~[(6)]~~ (4) (a) (i) Except as provided in Subsection (6)(a)(ii) and Section 53B-1-501,
 377 ~~[members shall be appointed to]~~ the governor shall appoint board members to six-year
 378 staggered terms~~[-, each of which begins]~~ beginning on July 1 of the year of appointment.

379 (ii) ~~[A member described in Subsection (1)(b) shall be appointed]~~ The governor shall
 380 appoint the student member described in Subsection (3)(c) to a one-year term.

381 (b) (i) A board member ~~[described in Subsection (1)(a)]~~ other than the student member
 382 described in Subsection (3)(c) may serve up to two consecutive full terms.

383 ~~[(ii) The governor may appoint a member described in Subsection (1)(a) to a second~~
 384 ~~consecutive full term without a recommendation from the nominating committee.]~~

385 ~~[(iii)]~~ (ii) ~~[A]~~ The student member described in Subsection ~~[(1)(b)]~~ (3)(c) may not
 386 serve more than one full term.

387 ~~[(e)]~~ (5) ~~[(i)]~~ The governor may, after consulting with the president of the Senate,
 388 remove a member for cause.

389 ~~[(ii) The governor shall consult with the president of the Senate before removing a~~
 390 ~~member.]~~

391 ~~[(7)]~~ (6) (a) A board member shall take the official oath of office before entering upon
 392 the duties of office.

393 (b) The ~~[oath shall be filed]~~ board shall file the oath described in Subsection (6)(a)
 394 with the Division of Archives and Records Services.

395 ~~[(8)]~~ (7) The board shall elect a chair and vice chair from among the board's members
 396 ~~[who shall]~~ to serve terms of two years and until ~~[their]~~ the board chooses and qualifies

397 successors [~~are chosen and qualified~~].

398 ~~[(9)]~~ (8) (a) The board shall appoint a secretary from the commissioner's staff to serve
399 at the board's discretion.

400 (b) The board's secretary is a full-time employee.

401 (c) The secretary shall record and maintain a record of all board meetings and perform
402 other duties as the board directs.

403 ~~[(10)]~~ (9) (a) The board may establish advisory committees, including a faculty and
404 staff advisory committee.

405 (b) ~~[AH]~~ The board shall address all matters requiring board determination ~~[shall be~~
406 ~~addressed]~~ in a properly convened meeting of the board or the board's executive committee.

407 ~~[(11)]~~ (10) (a) The board shall enact bylaws for the board's own government not
408 inconsistent with the constitution or the laws of this state.

409 (b) The board shall provide for an executive committee in the bylaws that:

410 (i) has the full authority of the board to act upon routine matters during the interim
411 between board meetings;

412 (ii) may not act on nonroutine matters except under extraordinary and emergency
413 circumstances; and

414 (iii) shall report to the board at the board's next meeting following an action undertaken
415 by the executive committee.

416 ~~[(12)]~~ (11) (a) The board shall meet regularly upon the board's own determination.

417 (b) The board may also meet, in full or executive session, at the request of the chair,
418 the commissioner, or at least five members of the board.

419 ~~[(13)]~~ (12) ~~[A quorum of the board is required to conduct the board's business and~~
420 ~~consists of 10 members.]~~ The board may not conduct the board's business without the
421 agreement of a majority of the board.

422 ~~[(14)]~~ (13) (a) ~~[A]~~ The governor shall immediately fill a vacancy in the board occurring
423 before the expiration of a member's full term ~~[shall be immediately filled through the~~
424 ~~nomination process described in Section 53B-1-406 and in]~~ in accordance with this section.

425 (b) An individual ~~[appointed]~~ whom the governor appoints under Subsection ~~[(14)(a)~~
426 ~~serves]~~ (13)(a) shall serve for the remainder of the unexpired term.

427 ~~[(15)]~~ (14) (a) (i) Subject to Subsection ~~[(15)(a)(ii)]~~ (14)(a)(ii), a member shall receive
428 a daily salary for each calendar day that the member attends a board meeting that is the same as

429 the daily salary for a member of the Legislature described in Section 36-2-3.

430 (ii) A member may receive a salary for up to 10 calendar days per calendar year.

431 (b) A member may receive per diem and travel expenses in accordance with:

432 (i) Section 63A-3-106;

433 (ii) Section 63A-3-107; and

434 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
435 63A-3-107.

436 ~~[(16)]~~ (15) The commissioner shall provide to each member:

437 (a) initial training when the member joins the board; and

438 (b) ongoing annual training.

439 ~~[(17)]~~ (16) A board member shall comply with the conflict of interest provisions
440 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

441 Section 7. Section 53B-1-408 is amended to read:

442 **53B-1-408. Appointment of commissioner of higher education -- Qualifications --**
443 **Associate commissioners -- Duties -- Office.**

444 (1) (a) The board, upon approval from the governor and with the advice and consent of
445 the Senate, shall appoint a commissioner of higher education to serve at the board's pleasure as
446 the board's chief executive officer.

447 (b) The following may terminate the commissioner ~~[may be terminated by]:~~

448 (i) the board; or

449 (ii) the governor, after consultation with the board.

450 (c) The board shall:

451 (i) set the salary of the commissioner;

452 (ii) subject to Subsection (3), prescribe the duties and functions of the commissioner;

453 and

454 (iii) select a commissioner on the basis of outstanding professional qualifications.

455 (2) ~~[(a) The commissioner shall appoint, subject to approval by the board:]~~

456 ~~[(i) an associate commissioner for academic education; and]~~

457 ~~[(ii) an associate commissioner for technical education.]~~

458 ~~[(b) (i)]~~ (a) The commissioner may appoint associate commissioners ~~[in addition to the~~
459 ~~associate commissioners described in Subsection (2)(a)].~~

460 ~~[(i)]~~ (b) An ~~[association]~~ associate commissioner described in Subsection ~~[(2)(b)(i)]~~
 461 (2)(a) is not subject to the approval of the board.

462 (3) The commissioner is responsible to the board to:

463 (a) ensure ~~[that]~~ the proper execution of the policies, programs, and strategic plan of
 464 the board ~~[are properly executed];~~

465 (b) furnish information about the Utah system of higher education and make
 466 recommendations regarding that information to the board;

467 (c) provide state-level leadership in any activity affecting an institution of higher
 468 education; ~~[and]~~

469 (d) in consultation with the board's executive committee and in accordance with
 470 Subsection 53B-1-402(2), evaluate and provide support and guidance to an institution of higher
 471 education president ~~Ŝ → [; including the provision of an executive coach for the president's first year~~
 472 ~~of service]~~ ~~←Ŝ~~ ; and

473 ~~[(d)]~~ (e) perform other duties ~~[assigned by]~~ the board assigns in carrying out the board's
 474 duties and responsibilities.

475 Section 8. Section **53B-1-501** is amended to read:

476 **53B-1-501. Establishment of initial board membership in 2023.**

477 (1) ~~[(a)]~~ The governor shall appoint, with the advice and consent of the Senate,
 478 individuals to the board, to ensure that beginning July 1, ~~[2020]~~ 2023, the board consists of ~~[18~~
 479 ~~members, including:]~~ 10 members with new terms in accordance with this section.

480 ~~[(i) at least six individuals who were members of the State Board of Regents on May~~
 481 ~~12, 2020;]~~

482 ~~[(ii) at least six individuals who were members of the Utah System of Technical~~
 483 ~~Colleges Board of Trustees on May 12, 2020; and]~~

484 ~~[(iii) two student members appointed to the board in accordance with Section~~
 485 ~~53B-1-404.]~~

486 ~~[(b) Before making an appointment described in Subsection (1)(a), the governor shall~~
 487 ~~consult:]~~

488 ~~[(i) for an appointment described in Subsection (1)(a)(i), with State Board of Regents~~
 489 ~~leadership; and]~~

490 ~~[(ii) for an appointment described in Subsection (1)(a)(ii), with Utah System of~~

491 ~~Technical Colleges Board of Trustees leadership.]~~

492 (2) ~~[(a)]~~ Except for ~~[an]~~ the appointment of the student member described in
493 Subsection ~~[(1)(a)(iii)]~~ 53B-1-404(3)(c), the governor shall appoint ~~[an]~~ each individual to a
494 two-year, four-year, or six-year term to ensure that one-third of the members complete the
495 members' terms on June 30 of each ~~[even]~~ odd number year.

496 ~~[(b) The governor may appoint an individual described in Subsection (1)(a) to a second~~
497 ~~term without the individual being considered by the nominating committee described in~~
498 ~~Section 53B-1-406 if, at the time of the individual's initial appointment to the board, the~~
499 ~~individual:]~~

500 ~~[(i) is serving the individual's first full term on the State Board of Regents or the Utah~~
501 ~~System of Technical Colleges Board of Trustees; or]~~

502 ~~[(ii) is not a member of the State Board of Regents or the Utah System of Technical~~
503 ~~Colleges Board of Trustees.]]~~

504 ~~[(c) An appointment described in Subsection (2)(b) is for a six-year term.]~~

505 (3) Following the appointments described in this section, the governor shall fill a
506 vacancy on the board ~~[shall be filled]~~ in accordance with Section 53B-1-404.

507 (4) Notwithstanding Section 67-1-2, for an appointment described in this section:

508 (a) a majority of the president of the Senate, the Senate majority leader, and the Senate
509 minority leader may waive the 30-day requirement described in Subsection 67-1-2(1); and

510 (b) the Senate is not required to hold a confirmation hearing.

511 Section 9. Section **53B-2-102** is amended to read:

512 **53B-2-102. Appointment of institution of higher education presidents.**

513 (1) As used in this section:

514 (a) "Institution of higher education" means:

515 (i) a degree-granting institution; or

516 (ii) a technical college.

517 (b) "President" means the president of an institution of higher education.

518 (c) "Search committee" means a committee that selects finalists for a position as an
519 institution of higher education president.

520 (2) The board shall appoint a president for each institution of higher education.

521 (3) An institution of higher education president serves ~~[at the pleasure of]~~ in

522 accordance with the terms of employment that the board establishes as described in Section
523 53B-1-402.

524 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), to appoint an institution of higher
525 education president, the board shall establish a search committee that includes representatives
526 of faculty, staff, students, the institution of higher education board of trustees, alumni, the
527 outgoing institution of higher education president's executive council or cabinet, and the board.

528 (ii) The board may delegate the authority to appoint the search committee described in
529 Subsection (4)(a)(i) to an institution of higher education board of trustees.

530 (iii) The commissioner shall provide staff support to a search committee.

531 (b) (i) Except as provided in Subsection (4)(b)(ii), a search committee shall be
532 cochaired by a member of the board and a member of the institution of higher education board
533 of trustees.

534 (ii) The board may delegate the authority to chair a search committee to the institution
535 of higher education board trustees.

536 (c) A search committee described in Subsection (4)(a) shall forward three to five
537 finalists to the board to consider for a position as an institution of higher education president.

538 (d) A search committee may not forward an individual to the board as a finalist unless
539 two-thirds of the search committee members, as verified by the commissioner, find the
540 individual to be qualified and likely to succeed as an institution of higher education president.

541 (5) (a) The board shall select an institution of higher education president from among
542 the finalists presented by a search committee.

543 (b) If the board is not satisfied with the finalists forwarded by a search committee, the
544 board may direct the search committee to resume the search process until the search committee
545 has forwarded three finalists with whom the board is satisfied.

546 (6) The board, through the commissioner, shall:

547 (a) create a comprehensive, active recruiting plan to ensure a strong, diverse pool of
548 potential candidates for institution of higher education presidents[-]; and

549 (b) review, in a closed executive session, individuals from within the system whose
550 candidacy may be considered for future applicant pools in relation to the succession plan
551 described in Section 53B-1-402.

552 (7) (a) Except as provided in Subsection (7)(b), a record or information gathered or

553 generated during the search process, including a candidate's application and the search
554 committee's deliberations, is confidential and is a protected record under Section 63G-2-305.

555 (b) Application materials for a publicly named finalist described in Subsection (5)(a)
556 are not protected records under Section 63G-2-305.

557 Section 10. Section 53B-2a-101 is amended to read:

558 **53B-2a-101. Definitions.**

559 As used in this chapter:

560 (1) "Capital development" means the same as capital development project, as defined
561 in Section 63A-5b-401.

562 (2) "Competency-based" means mastery of subject matter or skill level, as
563 demonstrated through business and industry approved standards and assessments, achieved
564 through participation in a hands-on learning environment, and which is tied to observable,
565 measurable performance objectives.

566 (3) "Dedicated project" means a capital development project for which state funds from
567 the Technical Colleges Capital Projects Fund created in Section 53B-2a-118 are requested or
568 used.

569 (4) "Nondedicated project" means a capital development project for which state funds
570 from a source other than the Technical Colleges Capital Projects Fund created in Section
571 53B-2a-118 are requested or used.

572 [~~(5) "Open-entry, open-exit" means:~~]

573 [~~(a) a method of instructional delivery that allows for flexible scheduling in response to
574 individual student needs or requirements and demonstrated competency when knowledge and
575 skills have been mastered;~~]

576 [~~(b) students have the flexibility to begin or end study at any time, progress through
577 course material at their own pace, and demonstrate competency when knowledge and skills
578 have been mastered; and]~~

579 [~~(c) if competency is demonstrated in a program of study, a credential, certificate, or
580 diploma may be awarded.]~~

581 [~~(6)~~] (5) "State funds" means the same as that term is defined in Section 63A-5b-401.

582 Section 11. Section 53B-2a-112 is amended to read:

583 **53B-2a-112. Technical colleges -- Relationships with other public and higher**

584 **education institutions -- Agreements -- Priorities -- New capital facilities.**

585 (1) As used in this section, "higher education institution" means:

586 (a) Utah State University for:

587 (i) Bridgerland Technical College;

588 (ii) Tooele Technical College; and

589 (iii) Uintah Basin Technical College;

590 (b) Weber State University for:

591 (i) Ogden-Weber Technical College; and

592 (ii) Davis Technical College;

593 (c) Utah Valley University for Mountainland Technical College;

594 (d) Southern Utah University for Southwest Technical College; and

595 (e) Utah Tech University for Dixie Technical College.

596 (2) A technical college may enter into agreements:

597 (a) with other higher education institutions to cultivate cooperative relationships; or

598 (b) with other public and higher education institutions to enhance career and technical

599 education within the technical college's region.

600 (3) Before a technical college develops new instructional facilities, the technical
601 college shall give priority to:

602 (a) maintaining the technical college's existing instructional facilities for both
603 secondary and adult students;

604 (b) coordinating with the president of the technical college's ~~higher education~~
605 ~~institution~~ degree-granting partner and entering into any necessary agreements to provide
606 career and technical education to secondary and adult students that:

607 (i) maintain and support existing higher education career and technical education
608 programs; and

609 (ii) maximize the use of existing higher education facilities; and

610 (c) developing cooperative agreements with school districts, charter schools, other
611 higher education institutions, businesses, industries, and community and private agencies to
612 maximize the availability of career and technical education instructional facilities for both
613 secondary and adult students.

614 (4) (a) Before submitting a funding request pertaining to new capital facilities and land

615 purchases to the board, a technical college shall:

616 (i) ensure that all available instructional facilities are maximized in accordance with
617 Subsections (3)(a) through (c); and

618 (ii) coordinate the request with the president of the technical college's [~~higher~~
619 ~~education institution~~] degree-granting partner, if applicable.

620 (b) The Division of Facilities Construction and Management shall make a finding that
621 the requirements of this section are met before the Division of Facilities Construction and
622 Management may consider a funding request from the board pertaining to new capital facilities
623 and land purchases for a technical college.

624 (c) A technical college may not construct, approve the construction of, plan for the
625 design or construction of, or consent to the construction of a career and technical education
626 facility without approval of the Legislature.

627 (5) Before acquiring new fiscal and administrative support structures, a technical
628 college shall:

629 (a) review the use of existing public or higher education administrative and accounting
630 systems, financial record systems, and student and financial aid systems for the delivery of
631 [~~career and technical~~] education in the region;

632 (b) determine the feasibility of using existing systems; and

633 (c) with the approval of the technical college board of trustees and the board, use the
634 existing systems.

635 Section 12. Section **53B-7-705** is amended to read:

636 **53B-7-705. Determination of full new performance funding amount -- Role of**
637 **appropriations subcommittee -- Program review.**

638 (1) In accordance with this section, and based on money deposited into the account, the
639 Legislature shall, as part of the higher education appropriations budget process, annually
640 determine the full new performance funding amount for each:

641 (a) degree-granting institution; and

642 (b) technical college.

643 (2) (a) Before January 1, 2024, the Legislature shall annually allocate:

644 (i) 90% of the money in the account to degree-granting institutions; and

645 (ii) 10% of the money in the account to technical colleges.

- 646 (b) After January 1, 2024, the Legislature shall annually allocate:
- 647 (i) [~~85%~~] 80% of the money in the account to degree-granting institutions; and
- 648 (ii) [~~15%~~] 20% of the money in the account to technical colleges.
- 649 (3) (a) The Legislature shall determine a degree-granting institution's full new
- 650 performance funding amount based on the degree-granting institution's prior year share of:
- 651 (i) full-time equivalent enrollment in all degree-granting institutions; and
- 652 (ii) the total state-funded appropriated budget for all degree-granting institutions.
- 653 (b) In determining a degree-granting institution's full new performance funding
- 654 amount, the Legislature shall give equal weight to the factors described in Subsections (3)(a)(i)
- 655 and (ii).
- 656 (4) (a) The Legislature shall determine a technical college's full new performance
- 657 funding amount based on the technical college's prior year share of:
- 658 (i) (A) before January 1, 2024, membership hours for all technical colleges; and
- 659 (B) after January 1, 2024, full-time equivalent enrollment for all technical colleges; and
- 660 (ii) the total state-funded appropriated budget for all technical colleges.
- 661 (b) In determining a technical college's full new performance funding amount, the
- 662 Legislature shall give equal weight to the factors described in Subsections (4)(a)(i) and (ii).
- 663 (5) Annually, at least 30 days before the first day of the legislative general session the
- 664 board shall submit a report to the Higher Education Appropriations Subcommittee on each
- 665 degree-granting institution's and each technical college's performance.
- 666 (6) (a) In accordance with this Subsection (6), and based on the report described in
- 667 Subsection (5), the Legislature shall determine for each degree-granting institution and each
- 668 technical college:
- 669 (i) the portion of the full new performance funding amount earned; and
- 670 (ii) the amount of new performance funding to recommend that the Legislature
- 671 appropriate, from the account, to the degree-granting institution or technical college.
- 672 (b) (i) This Subsection (6)(b) applies before January 1, 2024.
- 673 (ii) A degree-granting institution earns the full new performance funding amount if the
- 674 degree-granting institution has a positive change in performance of at least 1% compared to the
- 675 degree-granting institution's average performance over the previous five years.
- 676 (iii) A technical college earns the full new performance funding amount if the technical

677 college has a positive change in the technical college's performance of at least 5% compared to
678 the technical college's average performance over the previous five years.

679 (c) After January 1, 2024, a degree-granting institution or technical college earns the
680 full new performance funding amount if the degree-granting institution or technical college
681 meets the annual performance goals the board sets under Subsection 53B-7-706(1)(a)(ii).

682 (d) Before January 1, 2024, a degree-granting institution or technical college that has a
683 positive change in performance that is less than a change described in Subsection (6)(b) is
684 eligible to receive a prorated amount of the full new performance funding amount.

685 (e) Before January 1, 2024, a degree-granting or technical college that has a negative
686 change, or no change, in performance over a time period described in Subsection (6)(b) is not
687 eligible to receive new performance funding.

688 (f) After January 1, 2024, a degree-granting institution or technical college that does
689 not meet the goals the board sets under Subsection 53B-7-706(1)(a)(ii):

690 (i) is not eligible to receive the full new performance funding amount; and

691 (ii) is eligible to receive a prorated amount of the full new performance funding
692 amount for performance that is greater than zero as measured by the model the board
693 establishes under Subsection 53B-7-706(1)(a)(i)(B).

694 (g) ~~(f)~~ After January 1, 2024, if a degree-granting institution or technical college does
695 not earn the full new performance funding amount as described in Subsection (6)(c), the board
696 ~~shall~~:

697 ~~(A)~~ (i) shall set aside the unearned new performance funding; and

698 ~~(B)~~ (ii) may, at the end of an annual performance goal period within a five-year
699 period for which the board sets goals under Subsection 53B-7-706(1)(a)(ii), ~~allocate~~
700 reallocate the funds set aside under Subsection ~~[(6)(g)(i)(A)] (6)(g)(i)~~ to a degree-granting
701 institution or technical college that meets or exceeds the degree-granting institution's or
702 technical college's ~~[five-year goals described in Subsection 53B-7-706(1)(a)(ii)(B)]~~:

703 (A) previous year's annual performance goal; and

704 (B) the performance goal that the institution previously failed to meet which caused the
705 funding to be set aside.

706 ~~[(ii) The board may reallocate the funds described in Subsection (6)(g)(i)(A) on a~~
707 ~~one-time basis to a degree-granting institution or technical college that exceeds the~~

708 ~~degree-granting institution's or technical college's annual performance goals until the board~~
709 ~~evaluates performance of five-year goals as described Subsection 53B-7-706(5).]~~

710 (7) An appropriation described in this section is ongoing.

711 (8) Notwithstanding Section 53B-7-703 and Subsections (6) and (7), the Legislature
712 may, by majority vote, appropriate or refrain from appropriating money for performance
713 funding as circumstances require in a particular year.

714 Section 13. Section 53B-7-706 is amended to read:

715 **53B-7-706. Performance metrics for institutions -- Determination of**

716 **performance.**

717 (1) (a) (i) (A) The board shall establish a model for determining a degree-granting
718 institution's performance.

719 (B) Beginning in March 2021, the board shall establish a model for determining a
720 degree-granting institution's or technical college's performance.

721 (ii) Beginning in May 2021, the board shall:

722 (A) set a five-year goal for the Utah System of Higher Education for each metric
723 described in Subsection (2)(a)(ii);

724 (B) adopt five-year goals for each degree-granting institution and technical college that
725 align with each goal described in Subsection (1)(a)(ii)(A); and

726 (C) ensure the goals the board adopts for each degree-granting institution and technical
727 college described in Subsection (1)(a)(ii)(B) are sufficiently rigorous to meet the goals
728 described in Subsection (1)(a)(ii)(A); and

729 (b) (i) The board shall submit a draft of the model described in this section to the
730 Higher Education Appropriations Subcommittee and the governor for comments and
731 recommendations.

732 (ii) Beginning in 2021, and every five years thereafter, the board shall:

733 (A) submit the model described in Subsection (1)(a)(i) and the goals described in
734 Subsection (1)(a)(ii) to the Higher Education Appropriations Subcommittee and to the
735 governor for comments and recommendations; and

736 (B) consider the comments and recommendations described in Subsection
737 (1)(b)(ii)(A), and make any necessary changes to the model described in Subsection (1)(a)(i)
738 and the goals described in Subsection (1)(a)(ii).

739 (c) Beginning in 2021, and every five years thereafter, the Executive Appropriations
740 Committee, the Higher Education Appropriations Subcommittee, and the Education Interim
741 Committee shall prepare and jointly meet to consider legislation for introduction at the
742 following general legislative session to adopt the goals described in Subsection (1)(a)(ii).

743 (2) (a) (i) The model described in Subsection (1)(a)(i)(A) shall include metrics,
744 including:

745 (A) completion, measured by degrees and certificates awarded;

746 (B) completion by underserved students, measured by degrees and certificates awarded
747 to underserved students;

748 (C) responsiveness to workforce needs, measured by degrees and certificates awarded
749 in high market demand fields;

750 (D) institutional efficiency, measured by degrees and certificates awarded per full-time
751 equivalent student; and

752 (E) for a research university, research, measured by total research expenditures.

753 (ii) Beginning in 2021, the board shall set the goals and establish the performance
754 model described in Subsection (1)(a)(i)(B) for the following metrics:

755 (A) access;

756 (B) timely completion; and

757 (C) high-yield awards.

758 (b) (i) Subject to Subsection (2)(b)(ii), the board shall determine the relative weights of
759 the metrics described in Subsection (2)(a)(i).

760 (ii) The board shall assign the responsiveness to workforce needs metric described in
761 Subsection (2)(a)(i)(C) a weight of at least 25% when determining a degree-granting
762 institution's performance.

763 (c) Beginning in 2021, the board shall determine and establish in board policy, the
764 definitions, measures, and relative weights of the metrics described in Subsection (2)(a)(ii)
765 based on each degree-granting institution's and each technical college's mission.

766 (3) (a) For each degree-granting institution, the board shall annually determine the
767 degree-granting institution's:

768 (i) performance; and

769 (ii) change in performance compared to the degree-granting institution's average

770 performance over the previous five years.

771 (b) [~~Beginning in 2022, for~~] For each degree-granting institution and technical college,
772 the board shall annually:

773 (i) adopt annual performance goals for each metric described in Subsection (2)(a)(ii)
774 that will advance the degree-granting institution or technical college toward achievement of the
775 five-year goals described in Subsection (1)(a)(ii);

776 (ii) evaluate performance in meeting the goals described in Subsection (3)(b)(i); and

777 (iii) include a degree-granting institution's or technical college's performance under this
778 section in the evaluation described in Subsection [~~53B-1-402(2)(i)(iii)~~] 53B-1-402(2)(i).

779 (4) (a) The board shall use the model described in Subsection (1)(a)(i)(A) to make the
780 report described in Section 53B-7-705 for determining a degree-granting institution's
781 performance funding for a fiscal year beginning on or after July 1, 2018, but before July 1,
782 2024.

783 (b) For a fiscal year beginning on or after July 1, 2024, the board shall use the model
784 described in Subsection (1)(a)(i)(B) to make the report described in Section 53B-7-705 for
785 determining a degree-granting institution's or technical college's performance funding.

786 (5) At the end of each five-year period for which the board sets goals under Subsection
787 (1)(a)(ii):

788 (a) the board shall:

789 (i) review the Utah System of Higher Education's performance in meeting the goals the
790 board sets under Subsection (1)(a)(ii)(A);

791 (ii) review each degree-granting institution's and each technical college's performance
792 in meeting the goals the board sets under Subsection (1)(a)(ii)(B); and

793 (iii) allocate any funds not allocated under Subsection 53B-7-705(6)(g) to each
794 degree-granting institution and each technical college that meets or exceeds the goals the board
795 sets under Subsection (1)(a)(ii)(B); and

796 (b) the Legislature may appropriate additional funds for the board to allocate to each
797 degree-granting institution and each technical college that meets or exceeds goals as described
798 in Subsection (5)(a)(iii).

799 (6) In year two or three of each five-year period for which the board sets goals under
800 Subsection (1)(a)(ii), the following committees and the governor shall hold a joint open

801 meeting to review the goals the board sets under Subsection (1)(a)(ii):

- 802 (a) the Executive Appropriations Committee;
- 803 (b) the Higher Education Appropriations Subcommittee; and
- 804 (c) the Education Interim Committee.

805 Section 14. Section **53B-13a-102** is amended to read:

806 **53B-13a-102. Definitions.**

807 As used in this chapter:

808 (1) (a) "Cost of attendance" means the estimated costs associated with attending an
809 institution, as established by the institution in accordance with board policies.

810 (b) "Cost of attendance" includes costs payable to the institution, other direct
811 educational expenses, transportation, and living expenses while attending the institution.

812 (2) (a) "Eligible student" means a financially needy student who is:

813 (i) unconditionally admitted to and enrolled at a Utah postsecondary institution on at
814 least a half-time basis, as defined by the board, in an eligible postsecondary program leading to
815 a defined education or training objective, as defined by the board;

816 (ii) making satisfactory academic progress, as defined by the institution in published
817 policies or rules, toward an education or training objective; and

818 (iii) (A) a resident student under Section **53B-8-102** and rules of the board; or

819 (B) exempt from paying the nonresident portion of total tuition under Section
820 **53B-8-106**.

821 (b) "Eligible student" does not include a graduate student.

822 (3) "Financially needy student" means a student who demonstrates the financial
823 inability to meet all or a portion of the cost of attendance at an institution for any period of
824 attendance as defined by the board, after considering the student's expected family contribution.

825 (4) "Fiscal year" means the fiscal year of the state.

826 (5) "Partner award" means a financial award described in Section **53B-13a-106**.

827 (6) "Program" means the Utah Promise Program.

828 (7) "Promise partner" means an employer that participates in the program described in
829 Section **53B-13a-106**.

830 (8) "Utah postsecondary institution" or "institution" means:

831 (a) an institution of higher education listed in Section **53B-1-102**; or

832 (b) a Utah private, nonprofit postsecondary institution that is accredited by [~~a regional~~]
833 an accrediting organization [recognized by the board] that the United States Department of
834 Education recognizes.

835 Section 15. Section **53B-13b-102** is amended to read:

836 **53B-13b-102. Definitions.**

837 As used in this chapter:

838 (1) "Federal program" means a veterans educational assistance program established in:

839 (a) United States Code, Title 10, Chapter 1606, Educational Assistance for Members of
840 the Selected Reserve;

841 (b) United States Code, Title 38, Chapter 30, All-Volunteer Force Educational
842 Assistance Program;

843 (c) United States Code, Title 38, Chapter 31, Training and Rehabilitation for Veterans
844 with Service-Connected Disabilities;

845 (d) United States Code, Title 38, Chapter 32, Post-Vietnam Era Veterans' Educational
846 Assistance; or

847 (e) United States Code, Title 38, Chapter 33, Post-9/11 Educational Assistance.

848 (2) "Institution of higher education" or "institution" means:

849 (a) an institution of higher education listed in Subsection **53B-2-101(1)**; or

850 (b) a private, nonprofit, postsecondary institution located in Utah that is accredited by
851 [~~a recognized~~] an accrediting organization [recognized by] that the United States Department
852 of Education recognizes.

853 (3) "Program" means the Veterans Tuition Gap Program created in this chapter.

854 (4) (a) "Qualifying military veteran" means a veteran, as defined in Section **68-3-12.5**,
855 who:

856 (i) is a resident student under Section **53B-8-102** and rules of the board;

857 (ii) is accepted into an institution and enrolled in a program leading to a bachelor's
858 degree;

859 (iii) (A) has exhausted the federal benefit under a federal program; or

860 (B) demonstrates that the veteran no longer qualifies to receive federal benefits under
861 any federal program; and

862 (iv) has not completed a bachelor's degree.

863 (b) "Qualifying military veteran" does not include a family member.

864 Section 16. Section **53B-13c-101** is amended to read:

865 **53B-13c-101. Definitions.**

866 As used in this chapter:

867 (1) (a) "Cost of attendance" means the estimated costs associated with taking an online
868 course, as established by an eligible institution in accordance with board policies.

869 (b) "Cost of attendance" includes tuition, costs payable to the eligible institution, and
870 other direct educational expenses related to taking an online course.

871 (2) "Eligible institution" means an institution that offers a postsecondary level course
872 of instruction using digital technology.

873 (3) "Eligible student" means a financially needy student who is:

874 (a) at least 26 years old;

875 (b) enrolled in an online course at an eligible institution;

876 (c) pursuing:

877 (i) an online postsecondary degree program in a field where there is a demonstrated
878 industry need; or

879 (ii) an online non-degree program that is designed to meet industry needs and leads to a
880 certificate or another recognized educational credential; and

881 (d) a resident student under Section **53B-8-102** and rules the board establishes.

882 (4) "Financially needy student" means a student who demonstrates the financial
883 inability to meet all or a portion of the cost of attendance at an eligible institution as defined by
884 the board, after utilizing family and personal resources, federal assistance, and scholarships.

885 (5) "Fiscal year" means the fiscal year of the state.

886 (6) "Institution" means:

887 (a) an institution described in Section **53B-1-102**; or

888 (b) a Utah private, nonprofit postsecondary institution that is accredited by [~~a regional~~]
889 an accrediting organization that the [board] United States Department of Education recognizes.

890 (7) "Online course" means a postsecondary level course of instruction offered by an
891 eligible institution using digital technology.

892 (8) "Program" means the Adult Learners Grant Program established in Section
893 **53B-13c-102**.

894 (9) "Tuition" means tuition and fees at the rate charged for residents of the state.

895 Section 17. Section **53B-16-101** is amended to read:

896 **53B-16-101. Establishment of institutional roles and general courses of study.**

897 (1) Except as institutional roles are specifically assigned by the Legislature, the board:

898 (a) shall establish and define the roles of the various institutions of higher education;

899 and

900 (b) shall, within each institution of higher education's primary role, prescribe the
901 general course of study to be offered at the institution of higher education, including for:

902 (i) research universities, which provide undergraduate, graduate, and research programs
903 and include:

904 (A) the University of Utah; and

905 (B) Utah State University;

906 (ii) regional universities, which provide career and technical education, undergraduate
907 associate and baccalaureate programs, and select master's degree programs to fill regional
908 demands and include:

909 (A) Weber State University;

910 (B) Southern Utah University;

911 (C) Utah Tech University; and

912 (D) Utah Valley University;

913 (iii) comprehensive community colleges, which provide associate programs and
914 include:

915 (A) Salt Lake Community College; and

916 (B) Snow College; and

917 (iv) technical colleges and degree-granting institutions that provide technical
918 education, and include:

919 (A) each technical college; and

920 (B) the degree-granting institutions described in Section [53B-2a-201](#).

921 (2) (a) Except for the University of Utah, and subject to Subsection (2)(b), each
922 institution of higher education described in Subsections (1)(b)(i) through (iii) has career and
923 technical education included in the institution of higher education's primary role.

924 (b) The board shall determine the extent to which an institution described in

925 Subsection (2)(a) provides career and technical education within the institution's primary role.

926 (3) The board shall further clarify each institution of higher education's primary role by
927 clarifying:

928 (a) the level of program that the institution of higher education generally offers, in
929 accordance with Subsection 53B-16-102(3);

930 (b) broad fields that are within the institution of higher education's mission; and

931 (c) any special characteristics of the institution of higher education, such as being a
932 land grant university.

933 Section 18. Section **53B-16-102** is amended to read:

934 **53B-16-102. Changes in curriculum -- Substantial alterations in institutional**
935 **operations -- Program approval -- Periodic review of programs -- Career and technical**
936 **education curriculum changes.**

937 (1) As used in this section:

938 (a) "Institution of higher education" means an institution described in Section
939 **53B-1-102**.

940 (b) "Program of instruction" means a program of curriculum that leads to the
941 completion of a degree, diploma, certificate, or other credential.

942 (2) Under procedures and policies approved by the board and developed in consultation
943 with each institution of higher education, each institution of higher education may make such
944 changes in the institution of higher education's curriculum as necessary to better effectuate the
945 institution of higher education's primary role.

946 (3) The board shall establish criteria for whether an institution of higher education may
947 approve a new program of instruction, including criteria related to whether:

948 (a) the program of instruction meets identified workforce needs;

949 (b) the institution of higher education is maximizing collaboration with other
950 institutions of higher education to provide for efficiency in offering the program of instruction;

951 (c) the new program of instruction is within the institution of higher education's
952 mission and role; and

953 (d) the new program of instruction meets other criteria determined by the board.

954 (4) (a) Except as provided in Subsection (4)(b), without the approval of the board, an
955 institution of higher education may not:

956 (i) establish a branch, extension center, college, or professional school; or

957 (ii) establish a new program of instruction.

958 (b) An institution of higher education may, with the approval of the institution of
959 higher education's board of trustees, establish a new program of instruction that meets the
960 criteria described in Subsection (3), subject to board review for pathway articulation.

961 (5) (a) An institution of higher education shall notify the board of a proposed new
962 program of instruction, including how the proposed new program of instruction meets the
963 criteria described in Subsection (3).

964 (b) The board shall establish procedures and guidelines for institutional boards of
965 trustees to consider an institutional proposal for a new program of instruction described in
966 Subsection (4)(b).

967 (6) (a) The board shall conduct a periodic review of all new programs of instruction,
968 including those funded by gifts, grants, and contracts, no later than two years after the first
969 cohort to begin the program of instruction completes the program of instruction.

970 (b) The board may conduct a periodic review of any program of instruction at an
971 institution of higher education, including a program of instruction funded by a gift, grant, or
972 contract.

973 (c) The board shall conduct:

974 (i) at least once every seven years, at least one review described in Subsection (6)(b) of
975 each program of instruction at each institution; and

976 (ii) annually, a qualitative and quantitative review of academic disciplines across the
977 system, including enrollment, graduation rates, and workforce placement, ensuring that the
978 board conducts a review of all disciplines within the system at least once every seven years.

979 [~~(c)~~] (d) Following a review described in this Subsection (6) and after providing the
980 relevant institution of higher education an opportunity to respond to the board's review of a
981 given program of instruction, the board may [recommend that the institution of higher
982 education] modify, consolidate, or terminate the program of instruction.

983 [~~(7)~~] Prior to requiring modification or termination of a program, the board shall give
984 the institution of higher education adequate opportunity for a hearing before the board.]

985 [~~(8)~~] (7) In making decisions related to career and technical education curriculum
986 changes, the board shall coordinate on behalf of the boards of trustees of higher education

987 institutions a review of the proposed changes by the State Board of Education to ensure an
988 orderly and systematic career and technical education curriculum that eliminates overlap and
989 duplication of course work with high schools and technical colleges.

990 Section 19. Section **53B-16-105** is amended to read:

991 **53B-16-105. Common course numbering -- Transferability of credits --**
992 **Agreement with competency-based general education provider -- Policies.**

993 (1) As used in this section:

994 (a) (i) "Accredited institution" means an institution that:

995 (A) offers a competency-based postsecondary general education course online or in
996 person; and

997 (B) is accredited by an organization that the United States Department of Education
998 recognizes.

999 ~~[(a)]~~ (b) "Articulation agreement" means an agreement between the board and a
1000 provider that allows a student to transfer credit awarded by the provider for a general education
1001 course to any institution of higher education.

1002 ~~[(b)]~~ (c) "Competency-based" means a system where a student advances to higher
1003 levels of learning when the student demonstrates competency of concepts and skills regardless
1004 of time, place, or pace.

1005 ~~[(c)]~~ (d) "Competency-based general education provider" or "provider" means a private
1006 institution that:

1007 (i) offers a postsecondary competency-based general education course online or in
1008 person;

1009 (ii) awards academic credit; and

1010 (iii) does not award degrees, including associates degrees or baccalaureate degrees.

1011 ~~[(d)]~~ (e) "Credit for prior learning" means the same as that term is defined in Section
1012 **53B-16-110.**

1013 ~~[(e)]~~ (f) "Institution of higher education" means an institution described in Section
1014 **53B-1-102.**

1015 ~~[(f) "Regionally accredited institution" means an institution that:]~~

1016 ~~[(i) offers a competency-based postsecondary general education course online or in~~
1017 ~~person; and]~~

- 1018 ~~[(ii) is accredited by a regional accrediting body recognized by the United States~~
1019 ~~Department of Education.]~~
- 1020 (2) The board shall:
- 1021 (a) facilitate articulation and the seamless transfer of courses, programs, and credit for
1022 prior learning within the Utah ~~[system of higher education]~~ System of Higher Education;
- 1023 (b) provide for the efficient and effective progression and transfer of students within
1024 the Utah ~~[system of higher education]~~ System of Higher Education;
- 1025 (c) avoid the unnecessary duplication of courses;
- 1026 (d) communicate ways in which a student may earn credit for prior learning; and
- 1027 (e) allow a student to proceed toward the student's educational objectives as rapidly as
1028 the student's circumstances permit.
- 1029 (3) The board shall develop, coordinate, and maintain a transfer and articulation system
1030 that:
- 1031 (a) maintains a course numbering system that assigns common numbers to specified
1032 courses of similar level with similar curricular content, rigor, and standards;
- 1033 (b) allows a student to track courses that transfer among institutions of higher
1034 education ~~[to meet requirements for general education and lower division courses that transfer~~
1035 ~~to baccalaureate majors]~~;
- 1036 (c) allows a student to transfer courses from a provider with which the board has an
1037 articulation agreement to any institution of higher education;
- 1038 (d) allows a student to transfer competency-based general education courses from ~~[a~~
1039 ~~regionally]~~ an accredited institution to an institution of higher education;
- 1040 (e) improves program planning;
- 1041 (f) increases communication and coordination between institutions of higher education;
- 1042 (g) facilitates student acceleration and the transfer of students and credits between
1043 institutions of higher education; and
- 1044 (h) if the system includes a software or data tool:
- 1045 (i) provides predictive analysis that models probabilities of student success; and
- 1046 (ii) develops tailored strategies to best support students.
- 1047 (4) (a) The board shall identify general education courses in the humanities, social
1048 sciences, arts, physical sciences, and life sciences with uniform prefixes and common course

1049 numbers.

1050 (b) A degree-granting institution shall annually identify institution courses that satisfy
1051 requirements of courses described in Subsection (4)(a).

1052 (c) A degree-granting institution shall accept a course described in Subsection (3)(c),
1053 (3)(d), or (4)(a) toward filling specific area requirements for general education or lower
1054 division courses that transfer to baccalaureate majors.

1055 (5) (a) The board shall:

1056 (i) identify technical education programs with common names, descriptions, lengths,
1057 and objectives; and

1058 (ii) within technical education programs, common course names, descriptions, length,
1059 and objectives allowing for customization of electives to meet regional industry demand.

1060 (b) The commissioner shall appoint committees of faculty members from technical
1061 education committees to recommend aligned programs and courses that will satisfy graduation
1062 requirements.

1063 [~~5~~] (6) (a) The board shall identify common prerequisite courses and course
1064 substitutions for degree programs across degree-granting institutions.

1065 (b) The commissioner shall appoint committees of faculty members from the
1066 degree-granting institutions to recommend appropriate courses of similar content and
1067 numbering that will satisfy requirements for lower division courses that transfer to
1068 baccalaureate majors.

1069 (c) A degree-granting institution shall annually identify institution courses that satisfy
1070 requirements of courses described in Subsection [~~5~~](6)(a).

1071 (d) A degree-granting institution shall accept a course described in Subsection (3)(c),
1072 (3)(d), or [~~5~~](6)(a) toward filling graduation requirements.

1073 [~~6~~] (7) (a) (i) The board shall seek proposals from providers to enter into articulation
1074 agreements.

1075 (ii) A proposal described in Subsection [~~6~~](7)(a)(i) shall include the general
1076 education courses that the provider intends to include in an articulation agreement.

1077 (b) The board shall:

1078 (i) evaluate each general education course included in a proposal described in
1079 Subsection [~~6~~](7)(a) to determine whether the course is equally rigorous and includes the

1080 same subject matter as the equivalent course offered by any institution of higher education; and

1081 (ii) if the board determines that a course included in a provider's proposal is equally
1082 rigorous and includes the same subject matter as the equivalent course offered by any
1083 institution of higher education, enter into an articulation agreement with the provider.

1084 [~~(7)~~] (8) The board shall establish policies to administer the policies and requirements
1085 described in this section.

1086 [~~(8)~~] (9) The board shall include information demonstrating that institutions of higher
1087 education are complying with the provisions of this section and the policies established in
1088 accordance with Subsection [~~(7)~~] (8) in the annual report described in Section 53B-1-402.

1089 Section 20. Section 53B-20-101 is amended to read:

1090 **53B-20-101. Property of institutions to vest in state board.**

1091 The [~~State~~] Utah Board of [~~Regents~~] Higher Education is the successor to, and vested
1092 with, all the powers and authority relating to all properties, real and personal, tangible and
1093 intangible, and to the control and management of the property which was held by the governing
1094 board of each institution prior to the creation of the board.

1095 Section 21. Section 53B-21-108 is amended to read:

1096 **53B-21-108. Financing project by contract or lease agreement instead of by bond**
1097 **issue -- Authority of board -- Term of lease -- Terms of agreement -- Board covenants.**

1098 (1) Whenever the board, by resolution, finds and declares it preferable to acquire a
1099 project under this chapter by purchase or lease of the facilities constituting the project under an
1100 agreement which provides the consideration for the purchase or lease to be paid in installments
1101 during a period not exceeding [~~40~~] 99 years, rather than through the issuance of revenue bonds
1102 by the board in the manner provided in this chapter, it may do so upon compliance with this
1103 section.

1104 (2) The board may lease, to any person, any portion of the campus of the institution
1105 necessary as a site for a project which the board is authorized to acquire under Section
1106 53B-20-103, [~~to any person~~], for a term not exceeding [~~40~~] 99 years.

1107 (3) The agreement authorized to be entered into by the board shall provide that the
1108 person shall construct, improve, remodel, add to, or extend a project of the type and
1109 construction described in the agreement on the part of the campus to be leased to the person, or
1110 on such real property as may be acquired for that purpose by the person.

1111 (4) The agreement shall further provide for the leasing of the project, including
1112 necessary equipment, furnishings, and land, from the person to the board executing the
1113 agreement, for a period not exceeding [~~40~~] 99 years.

1114 (5) Prior to the execution of the agreement, the person proposing to lease the project,
1115 including the necessary equipment, furnishings, and land, to the board shall submit to the board
1116 all plans, specifications, and estimates for the project.

1117 (6) The plans, specifications, and estimates shall be approved by resolution of the
1118 board prior to the execution of the agreement.

1119 (7) The board may, by appropriate provisions in the agreement:

1120 (a) covenant as to the use which will be made of the project;

1121 (b) covenant as to the operation, maintenance, and supervision of the project;

1122 (c) covenant to collect fees and charges from all students and other persons availing
1123 themselves of the use of the accommodations and facilities of the project;

1124 (d) covenant to levy and collect student building fees from all regular and part-time
1125 students enrolled in the institution for the use and availability of the project;

1126 (e) covenant as to the collection, use, and disposition of the proceeds arising from the
1127 collection of all the revenues, fees, and charges;

1128 (f) covenant to impose and collect fees and charges in amounts adequate to pay all
1129 costs incurred in maintaining and operating the project and to pay the amortization of the
1130 acquisition cost of the project, including necessary equipment and furnishings, and interest on
1131 the unpaid part of the acquisition cost, whether represented by rental installments or otherwise;

1132 (g) covenant to pledge all revenues, fees, and charges, including student building fees,
1133 arising from the ownership and operation of the project to the payment of the rental
1134 installments provided for under the terms of the contract or lease agreement;

1135 (h) covenant as to the rights, liabilities, powers, and duties arising from the breach of
1136 any covenant or agreement contained in the agreement;

1137 (i) covenant and agree to carry any insurance on the project, and its use and occupancy,
1138 as the board considers desirable, and to provide that the cost of the insurance shall be included
1139 as a part of the cost of operating the project;

1140 (j) covenant to make and enforce such parietal rules and regulations with reference to
1141 the use of the facilities comprising the project, or any part of the project, and with reference to

1142 requiring any class of students to use the project, or any part of the project, as the board
1143 determines desirable for the institution; and

1144 (k) covenant against the pledging of the revenues, fees, and charges, including student
1145 building fees, arising from the ownership and operation of the project for any purpose other
1146 than the payment of the rental installments required to be paid under the agreement, or against
1147 the issuance of any obligations payable therefrom, unless the pledge or obligations are made
1148 subordinate to the agreement. Nothing in this section prevents the board from providing
1149 conditions and terms under which pledges may be made and obligations issued on a parity with
1150 the pledge of revenues, fees, and charges under the agreement.

1151 (8) It shall be specifically provided in the agreement that the board is not obligated to
1152 pay the rental installments or amortization of the acquisition cost of the project, and interest on
1153 the unpaid part of the acquisition cost, from any source other than the revenues, fees, and
1154 charges arising from the ownership and operation of the project, including student building fees
1155 levied for the use and availability of the facilities of the project.

1156 (9) Each agreement shall provide that the rental installments, or amortization of the
1157 acquisition cost of the project, including necessary equipment, furnishings, and land, and
1158 interest on the unpaid part of the acquisition cost, are not an obligation of the state, and that ad
1159 valorem taxes or appropriations from the state may not be used to pay or discharge the amounts
1160 required to be paid under the agreement.

1161 (10) The agreement shall also provide that when the amortized acquisition cost, as
1162 represented by the rental installments, has been paid in full and when all obligations, if any,
1163 issued by the person to finance the cost of the acquisition of the project have been paid in full
1164 as to both principal and interest, the agreement terminates and title to the project, including the
1165 land upon which the project is situated, and all equipment and furnishings, vests in the board.

1166 (11) The agreement may provide that the board may purchase the project, including the
1167 land upon which the project is situated, and all equipment and furnishings, which is subject to
1168 the agreement upon terms wherein rental installments previously made, or a portion of them,
1169 are deducted from the cost of acquisition of the project, including the land upon which the
1170 project is situated, and all equipment and furnishings, as provided for in the agreement.

1171 (12) The board may furnish without charge heat, light, water, power, and similar
1172 facilities for any project leased by the board for operation by the board under this section, and

1173 all projects acquired and constructed under this section are exempt from taxation.

1174 (13) The agreement may provide that the board may lease the project, including the
1175 land upon which the project is situated, and all equipment and furnishings, to any person for a
1176 term not exceeding ~~[40]~~ 99 years for operation by any person.

1177 (14) A lease may not be entered into unless the rental to be paid to the board by the
1178 person is sufficient to satisfy the rental to be paid by the board to the person from which the
1179 project was originally leased. But in no event may the rental paid to the board be less than the
1180 fair rental value of the property leased.

1181 Section 22. Section **53B-35-201** is amended to read:

1182 **53B-35-201. Higher Education and Corrections Council.**

1183 (1) There is created the Higher Education and Corrections Council to advise the board,
1184 the Education Interim Committee, and the Higher Education Appropriations Subcommittee
1185 regarding the development and delivery of accredited higher education curriculum to
1186 incarcerated individuals in the state correctional system.

1187 (2) The council consists of the following ~~[13]~~ 11 members:

1188 (a) a member of the House of Representatives whom the speaker of the House of
1189 Representatives appoints;

1190 (b) a member of the Senate whom the president of the Senate appoints;

1191 ~~[(c) two members of the board whom the chair of the board appoints;]~~

1192 ~~[(i) one member having expertise in technical colleges; and]~~

1193 ~~[(ii) one member having expertise in general education;]~~

1194 ~~[(d)]~~ (c) the commissioner or the commissioner's designee;

1195 ~~[(e)]~~ (d) the following two members whom the commissioner appoints and who are
1196 engaged in prison education and have expertise in transfer articulation:

1197 (i) one employee of a technical college; and

1198 (ii) one employee of a degree-granting institution;

1199 ~~[(f)]~~ (e) the following two members whom the governor appoints:

1200 (i) an individual who actively researches higher education delivered in a corrections
1201 setting using evidence-based practices; and

1202 (ii) a formerly incarcerated individual who participated in postsecondary educational
1203 programs while incarcerated;

1204 [~~g~~] (f) one member of the Board of Pardons and Parole whom the chair of the Board
1205 of Pardons and Parole appoints;

1206 [~~h~~] (g) the executive director of the Department of Corrections or the executive
1207 director's designee;

1208 [~~i~~] (h) one employee of the Department of Corrections with expertise in education
1209 whom the executive director of the Department of Corrections appoints; and

1210 [~~j~~] (i) the executive director of the Department of Workforce Services or the
1211 executive director's designee.

1212 (3) (a) The members described in Subsections (2)(a) and (2)(b) shall serve as co-chairs
1213 of the council.

1214 (b) (i) Except as provided under Subsection (3)(b)(ii), an appointed member of the
1215 council shall serve a term of two years.

1216 (ii) A council member's term ends on the day on which the member's status that allows
1217 the member to serve on the council under Subsection (2) ends.

1218 (c) The individuals authorized to make appointments under Subsection (2) shall make
1219 the respective appointments:

1220 (i) for the initial appointments, before July 1, 2022;

1221 (ii) for subsequent terms, before July 1 of each odd-numbered year, by:

1222 (A) reappointing the council member whose term expires under Subsection (3)(b)(i); or

1223 (B) appointing a new council member; and

1224 (iii) in the case of a vacancy created under Subsection (3)(b)(ii), for the remainder of
1225 the vacated term.

1226 (d) The individual authorized to make appointments under Subsection (2) may change
1227 the relevant appointment described in Subsection (2) at any time for the remainder of the
1228 existing term.

1229 (4) (a) The salary and expenses of a council member who is a legislator shall be paid in
1230 accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator
1231 Compensation.

1232 (b) A council member who is not a legislator:

1233 (i) may not receive compensation or benefits for the member's service on the council;

1234 and

1235 (ii) may receive per diem and reimbursement for travel expenses that the council
1236 member incurs as a council member at the rates that the Division of Finance establishes under:

1237 (A) Sections 63A-3-106 and 63A-3-107; and

1238 (B) rules that the Division of Finance makes under Sections 63A-3-106 and
1239 63A-3-107.

1240 (5) (a) A majority of the council members constitutes a quorum.

1241 (b) The action of a majority of a quorum constitutes an action of the council.

1242 (6) The commissioner shall provide staff support to the council.

1243 Section 23. Section 67-1-12 is amended to read:

1244 **67-1-12. Displaced defense workers.**

1245 (1) The governor, through the Department of Workforce Services, may use funds
1246 specifically appropriated by the Legislature to benefit, in a manner prescribed by Subsection

1247 (2):

1248 (a) Department of Defense employees within the state who lose their employment
1249 because of reductions in defense spending by the federal government;

1250 (b) persons dismissed by a defense-related industry employer because of reductions in
1251 federal government defense contracts received by the employer; and

1252 (c) defense-related businesses in the state that have been severely and adversely
1253 impacted because of reductions in defense spending.

1254 (2) Funds appropriated under this section before fiscal year 1999-2000 but not
1255 expended shall remain with the agency that possesses the funds and shall be used in a manner
1256 consistent with this section. Any amount appropriated under this section in fiscal year
1257 1999-2000 or thereafter may be used to:

1258 (a) provide matching or enhancement funds for grants, loans, or other assistance
1259 received by the state from the United States Department of Labor, Department of Defense, or
1260 other federal agency to assist in retraining, community assistance, or technology transfer
1261 activities;

1262 (b) fund or match available private or public funds from the state or local level to be
1263 used for retraining, community assistance, technology transfer, or educational projects
1264 coordinated by state or federal agencies;

1265 (c) provide for retraining, upgraded services, and programs at technical colleges, public

1266 schools, higher education institutions, or any other appropriate public or private entity that are
1267 designed to teach specific job skills requested by a private employer in the state or required for
1268 occupations that are in demand in the state;

1269 (d) aid public or private entities that provide assistance in locating new employment;

1270 (e) inform the public of assistance programs available for persons who have lost their
1271 employment;

1272 (f) increase funding for assistance and retraining programs;

1273 (g) provide assistance for small start-up companies owned or operated by persons who
1274 have lost their employment;

1275 (h) enhance the implementation of dual-use technologies programs, community
1276 adjustment assistance programs, or other relevant programs under Pub. L. No. 102-484; and

1277 (i) coordinate local and national resources to protect and enhance current Utah defense
1278 installations and related operations and to facilitate conversion or enhancement efforts by:

1279 (i) creating and operating state information clearinghouse operations that monitor
1280 relevant activities on the federal, state, and local level;

1281 (ii) identifying, seeking, and matching funds from federal and other public agencies
1282 and private donors;

1283 (iii) identifying and coordinating needs in different geographic areas;

1284 (iv) coordinating training and retraining centers;

1285 (v) coordinating technology transfer efforts between public entities, private entities,
1286 and institutions of higher education;

1287 (vi) facilitating the development of local and national awareness and support for Utah
1288 defense installations;

1289 (vii) studying the creation of strategic alliances, tax incentives, and relocation and
1290 consolidation assistance; and

1291 (viii) exploring feasible alternative uses for the physical and human resources at
1292 defense installations and in related industries should reductions in mission occur.

1293 (3) The governor, through the Department of Workforce Services, may coordinate and
1294 administer the expenditure of money under this section and collaborate with [~~applied~~
1295 ~~technology centers, public~~] institutions of higher [~~learning~~] education, or other appropriate
1296 public or private entities to provide retraining and other services described in Subsection (2).

1297 Section 24. **Repealer.**
1298 This bill repeals:
1299 Section **53B-1-406**, **Nominating committee.**
1300 Section **53B-1-502**, **Transition of Utah System of Technical Colleges to Utah Board**
1301 **of Higher Education -- Recommendations.**
1302 Section **53B-6-106**, **Jobs Now and economic development initiatives.**
1303 Section 25. **Effective date.**
1304 This bill takes effect on July 1, 2023.